

REMARKS/ARGUMENTS

The Office Action mailed July 26, 2007, (“the Office Action”) has been received and its contents carefully considered. Claims 1-10 and 12-24 are pending. Claims 1-9 stand rejected. Without conceding to the propriety of these rejections, claim 1 has been amended. Specific support for these amendments is found, at least, at paragraph 30. Claims 10 and 11-24 have been withdrawn from consideration. Claim 11 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

The Applicant has thoroughly reviewed the outstanding Office Action including the Examiner’s remarks and the references cited therein. The following amendments and remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Withdrawal of outstanding objection and rejections is respectfully requested in view of the forgoing amendments and the following remarks.

OBJECTION TO THE OATH/DECLARATION

The declaration is objected to as being defective. A new declaration in compliance with 37 CFR 1.67(a) is attached hereto.

REJECTIONS UNDER 35 U.S.C. § 102(e) (U.S. 2005/0081692 to Krzysztof Mosiewicz)

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. U.S. 2005/0081692 to Krzysztof Mosiewicz (Hereinafter referred to as, “Mosiewicz”). The Applicant respectfully submits that the amendments to claim 1 obviate the foregoing rejection.

Accordingly, the Applicant requests reconsideration and withdrawal of the rejection to claim 1 and the claims that depend therefrom for at least the following reasons.

Initially, Applicant notes that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Mosiewicz embodies no such directions.

Claim 1 recites, *inter alia*, [a]n anvil for providing support to a backed ply material during a cutting operation ... the anvil comprising ... a groove disposed upon the surface and coinciding with the path, ... wherein a backing of the backed ply material is urged into the groove during the cutting operation. Mosiewicz does not disclose a groove wherein a backing is capable of being urged into the groove during the cutting operation. Instead, Mosiewicz discloses a channel 50 configured to retain the bottom of the knife (See paragraph 24 and Figure 3) and ensure that the food product being cut is cleanly divided (See paragraph 26). To this result, the sidewalls of the channel 50 extend vertically, or nearly so, from the surface of the anvil.

However, in an effort to further prosecution, the Applicant has amended claim 1 to further recite, *inter alia*, the anvil compris[es] ... a groove disposed upon the surface and coinciding with the path, the groove having a *curved* profile corresponding to the *cutting profile*, the *groove providing support during butt cutting operations, slit cutting operations, and taper cutting operations*. In this regard Mosiewicz discloses a blade with three straight edges that make up the cutting profile (See Figure 5). This type of blade is unsatisfactory for cutting a backed material in that the facets formed at the intersections between the edges tend to catch and

cut the backing. In addition Mosiewicz is drawn towards a butt cutting device. That is, the channel 50 captures the blade in an orientation that is transverse to the movement of the conveyer belt. In this configuration, the Mosiewicz cutting device is only capable of making butt cuts and not slit or taper cuts. As such, Mosiewicz at least fails to disclose a groove having a curved profile corresponding to a tip portion of the cutting profile, the groove providing support during butt cutting operations, slit cutting operations, and taper cutting operations, wherein a backing of the backed ply material is urged into the groove during the cutting operation as recited in claim 1 of the present invention. Therefore, the present invention is patentably distinct from Mosiewicz.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(e) rejection to claim 1 as being anticipated by Mosiewicz is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (U.S. Patent No. 6,755,105 to Daniel Ray Downing in view of Mosiewicz)

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,755,105 to Daniel Ray Downing (Hereinafter referred to as, “Downing”) in view of Mosiewicz. The Applicant respectfully submits that the amendments to claim 1 obviate the foregoing rejection. Accordingly, the Applicant requests reconsideration and withdrawal of the rejection to claim 1 and the claims that depend therefrom for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge already available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. See MPEP § 2143.

A *prima facie* case of obviousness has not been made in that Downing and Mosiewicz, alone and in combination fail to teach or suggest the invention as recited in claim 1 of the present application.

As described hereinabove, claim 1 recites, *inter alia*, the anvil compris[es] ... a groove disposed upon the surface and coinciding with the path, the groove having a curved profile corresponding to a tip portion of the cutting profile, the groove providing support during butt cutting operations, slit cutting operations, and taper cutting operations, wherein a backing of the backed ply material is urged into the groove during the cutting operation. As noted in the Office Action, Downing does not disclose a groove disposed on the surface of the anvil. In addition, Downing does not disclose an anvil capable of supporting slit or taper cut operations. Instead, Downing is only capable of making butt cuts. (See Figure 1 and Column 5, lines 44-58). Furthermore, Downing does not disclose a curved knife (See Figures 7 and 9) so, even if a groove were to be added to the Downing device, it would fail to have a curved profile corresponding to a tip portion of the cutting profile. As such, Downing fails to teach or suggest the invention as recited in claim 1 of the present application.

Mosiewicz fails to make up for the deficiencies of Downing. As described hereinabove, Mosiewicz at least fails to disclose a groove having a curved profile corresponding to a tip portion of the cutting profile, the groove providing support during butt cutting operations, slit cutting operations, and taper cutting operations, wherein a backing of the backed ply material is urged into the groove during the cutting operation as recited in claim 1 of the present invention.

Therefore, the present invention is patentably distinct from any combination of Downing and Mosiewicz.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 1 as being anticipated by Downing and Mosiewicz is respectfully requested at least because these documents fails to teach or suggest a groove having a curved profile corresponding to a tip portion of the cutting profile, the groove providing support during butt cutting operations, slit cutting operations, and taper cutting operations, wherein a backing of the backed ply material is urged into the groove during the cutting operation as recited in claim 1 of the present invention.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Mosiewicz in view of U.S. Patent No.: 3,683,736 to Guenter H. Loose)

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Mosiewicz in view of U.S. Patent No.: 3,683,736 to Guenter H. Loose. Initially, the Applicants note that claims 2-4 depend from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove. Applicants further note that any claim that depends from an allowable claim is also allowable. Therefore, Applicants respectfully request that the rejection to claims 2-4 be removed.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al.)

Claim 5 stands rejected under 35 U.S.C. § 103(a) Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al. Initially, the Applicants note that claim 5 depends from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove.

Applicants further note that any claim that depends from an allowable claim is also allowable.

Therefore, Applicants respectfully request that the rejection to claim 5 be removed.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Mosiewicz in view of U.S. Patent No.: 6,720,058 to

Weeks et al. and further in view of U.S. Patent No.: 3,645,304 to Thrasher)

Claim 6 stands rejected under 35 U.S.C. § 103(a) Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al. and further in view of U.S. Patent No.: 3,645,304 to Thrasher.

Initially, the Applicants note that claim 6 depends from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove. Applicants further note that any claim that depends from an allowable claim is also allowable. Therefore, Applicants respectfully request that the rejection to claim 6 be removed.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Mosiewicz in view of U.S. Patent No.: 6,720,058 to

Weeks et al. and further in view of U.S. Patent No.: 5,072,640 to Greve et al.)

Claims 7-8 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al. and further in view of U.S. Patent No.: 5,072,640 to Greve et al. Initially, the Applicants note that claims 7-8 depend from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove. Applicants further note that any claim that depends from an allowable claim is also allowable. Therefore, Applicants respectfully request that the rejection to claims 7-8 be removed.

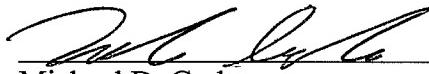
REJECTIONS UNDER 35 U.S.C. § 103(a) (Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al. and U.S. Patent No.: 5,072,640 to Greve et al. further in view of U.S. Patent No.: 4,438,698 to Sullivan, Jr. et al.)

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Mosiewicz in view of U.S. Patent No.: 6,720,058 to Weeks et al. and U.S. Patent No.: 5,072,640 to Greve et al. further in view of U.S. Patent No.: 4,438,698 to Sullivan, Jr. et al. Initially, the Applicants note that claim 9 depends from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove. Applicants further note that any claim that depends from an allowable claim is also allowable. Therefore, Applicants respectfully request that the rejection to claim 9 be removed.

CONCLUSION

In view of the foregoing, reconsideration and allowance of this application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1629.

Respectfully submitted,
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